

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

1. [DELETED.]
2. TELEPHONE FRANCHISE.
3. MUNICIPAL TORT LIABILITY.
4. FEE FOR BIKE RACES IN PARK.
5. SECURITY ALARM SYSTEMS.
6. FEES FOR USE OF FACILITIES IN BOWIE PARK.
7. YARD SALES.

**CHAPTER 1**

**[DELETED]**

(This chapter was deleted by Ord. #401, § 1, July 1996.)

**CHAPTER 2****TELEPHONE FRANCHISE****SECTION**

20-201. To be furnished under franchise.

**20-201. To be furnished under franchise.** Telephone service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.<sup>1</sup>

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<sup>1</sup>The agreements are of record in the office of the city recorder.

**CHAPTER 3**

**MUNICIPAL TORT LIABILITY**

**SECTION**

20-301. City exempt from tort liability.

**20-301. City exempt from tort liability.** The City of Fairview exempts itself from tort liability to the extent allowed by law. (1973 Code, § 1-1001, modified)

## CHAPTER 4

### FEE FOR BIKE RACES IN PARK

#### SECTION

20-401. Participation fees for bike races in Bowie Nature Park.

20-402. Park use deposits and permits.

20-403. Procedure for obtaining permits.

20-404. Shelter fees.

20-405. Electricity outlet fees.

20-406. Unlawful to utilize park facilities without obtaining permits and paying required fees.

#### **20-401. Participation fees for bike races in Bowie Nature Park.**

(1) Any individual or group that uses the Bowie Nature Park for an organized bike race shall be assessed a fee for the use of the park.

(2) The fee to be charged for such use shall be two dollars (\$2.00) per participant. (as added by Ord. #407, § 1, Sept. 1996)

**20-402. Park use deposits and permits.** Any event open to the public and sponsored by a civic group, club, or organization shall be required to provide a park use deposit and obtain a park use permit.

(1) A park use deposit of five hundred dollars (\$500.00) is required for any event with an expected attendance of two hundred fifty (250) persons or less.

(2) A park use deposit of one thousand dollars (\$1,000.00) will be required for any event with an expected attendance of more than two hundred fifty persons.

(3) The park use deposit may be in the form of an irrevocable letter of credit from a bank. (as added by Ord. #423, § 1, Dec. 1997)

**20-403. Procedure for obtaining permits.** The procedure for obtaining permits will be as follows:

(1) For any event with an expected attendance of two hundred fifty persons or less:

(a) An application must be made at least six weeks prior to the event. The application may be obtained at the city hall.

(b) The application must be filed with the park director.

(c) The application must be accompanied by the park use deposit.

(d) Proof of insurance may be required if deemed necessary by the park director or the park superintendent.

(e) If the event is approved by the park director, a park use permit will be issued at city hall.

(f) The park use deposit will be retained until such time as the park director or the park superintendent assesses the condition of the park. If it is determined that there is any damage to the park as a result of the event, the park director or park superintendent shall retain such amount from the park use deposit as is necessary to repair such damage.

(g) Any amount of the park use deposit not retained will be refunded to the applicant.

(2) For any event with an expected attendance of more than two hundred fifty persons:

(a) An application must be made at least six weeks prior to the event. The application may be obtained at the city hall.

(b) The application must be filed with the park director.

(c) The application must be accompanied by the park use deposit.

(d) Proof of insurance may be required if deemed necessary by the park director or the park superintendent.

(e) If the event is approved by the administrative committee, the board of commissioners, and the Fairview Recreation Advisory Board, a park use permit will be issued at city hall.

(f) If a security plan is required by the administrative committee, the board of commissioners, and the Fairview Recreation Advisory Board, the applicant must submit a plan no later than two (2) weeks prior to such event. If the security is sought from the Fairview Police Department, the fee shall be \$25.00 per hour per security officer and \$15.00 per hour for use of city vehicle.

(g) The park use deposit will be retained until such time as the park director or the park superintendent assesses the condition of the park. If it is determined that there is any damage to the park as a result of the event, the park director or park superintendent shall retain such amount from the park use deposit as is necessary to repair such damage.

(h) Any amount of the park use deposit not retained will be refunded to the applicant. (as added by Ord. #423, § 1, Dec. 1997)

**20-404. Shelter fees.** A shelter fee shall also be required for use of any shelter in the park. The fee is as follows:

(1) Fairview residents shall pay \$10.00 for each one-half (½) day of use.

(2) Non-residents of Fairview shall pay \$20.00 for each one-half (½) day of use.

(3) These fees are non-refundable. (as added by Ord. #423, § 1, Dec. 1997)

**20-405. Electricity outlet fees.** An electricity outlet fee shall be required. The fee is as follows:

- (a) For the use of one electrical outlet, the fee shall be \$10.00.
- (b) For the use of each additional electrical outlet after the first one, the fee shall be \$5.00.
- (c) These fees are non-refundable. (as added by Ord. #423, § 1, Dec. 1997)

**20-406. Unlawful to utilize park facilities without obtaining permits and paying required fees.** It shall be unlawful for anyone to hold such event as described herein without following the prescribed procedures and without obtaining the proper approval along with posting of the proper deposit. Failure to follow the proper procedures is a municipal offense. (as added by Ord. #423, § 1, Dec. 1997)

## CHAPTER 5

### SECURITY ALARM SYSTEMS

#### SECTION

- 20-501. Definitions.
- 20-502. Automatic telephone dialing alarm systems.
- 20-503. Permit issuance.
- 20-504. Application requirements for an alarm permit.
- 20-505. Items required for an alarm system to qualify for an alarm permit.
- 20-506. False alarms.
- 20-507. Fee assessment.
- 20-508. Disconnection.
- 20-509. Penalty for offenses.

**20-501. Definitions.** Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the following meanings:

(1) "Alarm system" means an assembly of equipment, mechanical or electrical, arranged to signal the police department and/or fire department that an emergency exists and the department is needed. "Alarm system" shall also mean any alarm device which automatically emits audible, visual or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure, or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to a dispatch facility a recorded message or code signal indicating a need for emergency response; or, a system which, upon activation, connects to an answering service for transmission to the police department of a need for emergency response.

(5) "False alarm" means an alarm signal eliciting a response by the police department when a situation requiring a response by the police department does not in fact exist; but this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

(6) "Dispatch facility" means a communications center designated to receive, route, and otherwise handle all incoming police emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services on a continuous basis emergency signals from alarm systems and thereafter relaying the message to a dispatch facility or notifying the police department. (as added by Ord. #413, June 1997)

**20-502. Automatic telephone dialing alarm systems.** (1) It shall be unlawful for any person, natural or corporate, without a permit, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the police department.

(2) The police department, when it has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this chapter shall, in writing, order the owner, operator, or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order. (as added by Ord. #413, June 1997)

**20-503. Permit issuance.** (1) The police department is hereby authorized to grant a revocable alarm users permit to any alarm user located in the city to operate, maintain, install, or modify a police or fire alarm device, and no such device shall be operated unless such a permit has first been issued.

(2) A permit issued pursuant to this chapter may be revoked at any time by the police department upon the giving of ten (10) days notice in writing by certified or registered mail to the permit holder, sent to the address shown on the permit. Violation of this chapter, following conviction thereof, shall constitute grounds for revocation of the permit. The failure of the police department to revoke the permit following the finding of the city court that there has been a violation of this chapter shall not be deemed a waiver of the right to revoke the permit.

(3) A fee of \$10.00 shall be charged for issuance of any such permit. Each permit will be renewed by December 31, with a \$5.00 renewal fee assessed annually. (as added by Ord. #413, June 1997)

**20-504. Application requirements for an alarm permit.** Application for an alarm permit shall be made on forms provided by the police department, and shall be accompanied by the fee as set forth in section 20-503(3). The application form shall request the following information:

(1) Make and type of alarm system.

(2) The name, address, and telephone number of the applicant's property to be served by the alarm, and the name, address, and telephone number of applicant's residence if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address,



and telephone number of that company including the name, address, and telephone number of any alarm-monitoring service if different from the alarm company.

(3) An emergency telephone number of the user or his representative to permit prompt notification of alarm calls and to assist police personnel in the inspection of the property.

(4) It is the applicant's responsibility to immediately notify the police department in writing of any and all changes in the information on file with the city regarding such permit. Failure to do so shall constitute grounds for revocation of the permit.

(5) The approximate time required for applicant or designated responsible keyholder to respond to the scene of an alarm activation.

(6) The issuance and renewal fees set forth in section 20-503(3). (as added by Ord. #413, June 1997)

**20-505. Items required for an alarm system to qualify for an alarm permit.** (1) All alarm systems shall have a backup power supply that will become effective in the event of power failure or outage in the source of electricity.

(2) All alarm systems will have an automatic reset which silence the annunciator within thirty (30) minutes after activation and will be the responsibility of permittee to see that continued activation by the same event does not occur in an eight (8) hour time frame.

(3) Any system installed on or after the effective date of this chapter must comply with the requirements stipulated in this section. Pre-existing installations must comply with this section within six (6) months of the effective date of this chapter.<sup>1</sup>

(4) Any alarm system user must respond or have a designated representative to respond to the scene of any alarm activation to assist police or fire personnel in inspection of the building, structure, or facility.

(5) After notification by the police department or fire department of an alarm activation, any alarm user who fails to respond or have a designated representative respond to the scene of such alarm activation will be subject to a fine of not less than \$25.00. Failure to respond to more than three (3) alarms in a permit year will be grounds for revocation of the alarm permit. (as added by Ord. #413, June 1997)

**20-506. False alarms.** (1) Whenever an alarm is activated in the city thereby requiring an emergency response to the location by police or fire personnel, an officer on the scene of the activated alarm shall determine

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<sup>1</sup>This chapter was taken from Ord. #413 which passed final reading June 19, 1997.

whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the officer at the scene of the activated alarm system determines the alarm to be a true false alarm and not an accidental or emergency alarm, then the officer on the scene will advise the alarm user or representative the system needs to be checked. More than one false alarm in a thirty (30) day period will result in a written notification to the permit holder. The permit holder upon receipt of the notification shall be entitled to a hearing before the city administrator or his designee. The permit holder desiring a hearing shall request said hearing within ten (10) days of date of notification.

(3) The police department shall have the right to inspect any alarm system on the premises to which response has been made and may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subjected to the penalty provisions hereof.

(5) There shall be provided to the alarm user a ten (10) day grace period during the initial installation of the alarm system. The ten (10) days shall commence to run upon the issuance of the alarm permit by the police department.

(6) Any alarm business testing or servicing any alarm system shall notify the police department and/or fire department and shall instruct said department of the location and time of said testing and servicing. This shall apply to any testing period after the initial installation period has ceased.

(7) If the police department denies the issuance or renewal of a permit, or revokes a permit, it shall send written notice of its action and a statement of the right to appeal to the city administrator or board of commissioners, by certified mail, return receipt requested, to both the applicant or permit holder and the applicable alarm-installing service company. (as added by Ord. #413, June 1997)

**20-507. Fee assessment.** (1) Within a permit year, a service charge shall be automatically levied against the alarm user of \$50.00 upon the occurrence of the fourth (4th) false alarm, an alike amount for the fifth (5th) false alarm, and additional false alarms. All service charges levied shall be paid to the town by the alarm user within thirty (30) days of the date of the written notice of said charges. Failure to make payment within thirty (30) days from date of notice shall result in the revocation of the alarm permit and the alarm owner shall be cited into Fairview City Court. Continued alarms from a revoked permit site may result in the ordered disconnection of the alarm system.

(2) The sixth (6th) false alarm, and any subsequent false alarms, within a permit year shall result in revocation of the alarm user's permit in the following manner:

(a) The alarm user shall be given ten (10) days advance written notification that the alarm user's permit will be revoked, which written notice shall set forth the reason for such revocation.

(b) Reinstatement of the permit and police department services may occur upon receipt of a letter from an alarm company that the alarm system is operating properly and upon inspection and approval by the police department, and receipt of a \$100.00 reinstatement fee. (as added by Ord. #413, June 1997)

**20-508. Disconnection.** In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the time limitations specified in the previous section hereof, the city shall have the right to take such action as may be necessary in order to disconnect any such alarm. (as added by Ord. #413, June 1997)

**20-509. Penalty for offenses.** Any person who violates any provision of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine of \$50.00 plus any court costs. Each occurrence constitutes a separate offense. (as added by Ord. #413, June 1997)

**CHAPTER 6**

**FEES FOR USE OF FACILITIES IN BOWIE PARK**

**SECTION**

20-601. Fees for use of facilities in Bowie Park.

**20-601. Fees for use of facilities in Bowie Park.** The following fees shall be charged for the use of the following facilities in Bowie Park.

(1) Miscellaneous. (a) Fees.

(i) Trail use each bicycle and each horse:

Two (\$2.00) per day.

All Fairview, Tennessee residents and residents of postal zip code 37062 are exempt from this fee.

(ii) To reserve shelters:

Fairview, Tennessee residents

One half day twenty (\$20.00) dollars

All day forty (\$40.00) dollars

Non-residents of Fairview, Tennessee

One half day thirty (\$30.00) dollars

All day sixty (\$60.00) dollars.

(iii) To reserve Joann's Classroom:

All rentals, seventy-five (\$75.00) dollars per day.

(iv) Park events (fund raisers) excludes non-profits

Expected attendance of 1000+-----\$500

Expected attendance of 500 to 999----- 250

Expected attendance of less than 500----- 125

(v) Day Camps

\$55 per week or \$15 per day: ages 7-12

Mommy and Me Pre-school programs:

\$2.50 per day: ages 4,5,6

"Discovery" Day Camps (school holidays)

\$10.00 per day, per child

(b) It shall be a violation of this chapter for any person or persons required to pay a fee for trail usage in Bosie Park in Fairview, Tennessee as directed by this chapter to fail to pay the fee. Failure to pay the fee, and have proof of payment of the fee, in accordance with this chapter shall subject the violator to the following:

(i) First offense - warning.

(ii) Second offense - fifty (\$50.00) dollar fine

(iii) Third offense - fifty (\$50.00) dollar fine and suspension from all Bowie Park facilities for a six (6) month period.

(2) Nature center. (a) All users (excluding those persons or entities exempted by this chapter) of the nature center at Bowie Park shall at the time the nature center is reserved post a five hundred (\$500.00) dollar deposit to cover breakage, theft, damage. The deposit may be posted by either cash, certified or cashiers check. The deposit will be returned in its entirety after inspection of the Bowie Nature Center by the director of parks or his designee, a determination has been made that no breakage, theft or damage of any type or kind has resulted to the nature center at Bowie Park as a result of the use for which the deposit was posted and any and all payments required by (2)(b) of this chapter have been made. If any breakage, theft, damage of any type or kind has resulted to the nature center at Bowie Park as a result of the use for which the deposit was posted, or all payments required by (2)(b) of this chapter have not been made the City of Fairview, Tennessee shall correct the resulting damage or deduct the cost of correction of the damage and any payment not made as required by (2)(b) of this chapter from the bond and return the remainder to the provider of the bond within fourteen (14) days. If the damage or unmade payment is in excess of the posted bond, the City of Fairview, Tennessee shall keep the entire bond and the person or entity who posted the bond shall be liable for any excess cost to restore the nature center at Bowie Park to the condition it was in just prior to the damage resulting from the use of the nature center at Bowie Park for which the original bond was posted plus any payments required by (2)(b) of this chapter which have not been paid in their entirety.

(b) All users shall pay an hourly charge for use of the nature center at Bowie Park of fifty (\$50.00) dollars per hour. This charge is to be paid to the City of Fairview, Tennessee within two (2) days of the day the nature center at Bowie Park was utilized by the person, or entity. The payment shall be in either cash or by certified or cashiers check. The bond deposited in accordance with (2)(a) shall not be returned until payment is made for use of the facilities of the nature center at Bowie Park pursuant to this paragraph. If payment is not made as required by this paragraph within four (4) days of the day the nature center at Bowie Park was utilized by the person or entity, the City of Fairview, Tennessee will deduct the payment for the hourly charge from the bond posted in accordance with (2)(a) and return the remainder of the bond in accordance with (2)(a) of this chapter.

(c) All users shall pay an hourly charge for on site supervision at the nature center at Bowie Park of twenty five (\$25.00) dollars per hour in cash directly to the person designated in this paragraph on the day or night the service is rendered. This supervision shall be present and on the site during the set up and take down of the activity. The supervisors shall be either off duty park or police officers and shall be assigned by the Director of Parks for the City of Fairview, Tennessee. If

payment to the designated supervisor is not made as required by this paragraph the City of Fairview, Tennessee shall pay the designated supervisor and deduct the payment from the bond posted in accordance with (2)(a) of this chapter.

(d) All users shall at the direction of the supervisor provided in (2)(c) of this chapter install barricades as directed by the supervisor to keep all persons away from the displays in the nature center at Bowie Park.

(e) The Friends of Bowie Nature Park and the Fairview, Tennessee Chamber of Commerce shall be exempt from the provisions of this chapter as long as they maintain on file in the office of the parks director the name of the current president of the Friends of Bowie Nature Park and the Fairview, Tennessee Chamber of Commerce along with a statement signed by the said president of each entity that he or she shall be responsible for obtaining the key to the nature center at Bowie Nature Park, unlocking and locking the nature center at Bowie Nature Park before and after their activities, promptly returning the key to the nature center at Bowie Nature Park to the office of the director of parks at the conclusion of the activity. In addition, the statement must include an agreement that the current president of the Friends of Bowie Nature Park and the Fairview, Tennessee Chamber of Commerce will act as the responsible party to insure that the provisions of (2)(c) and (d) are executed at all events conducted by the Friends of Bowie Nature Park and the Fairview Tennessee Chamber of Commerce. (as added by Ord. #546, June 2003, and amended by Ord. #555, Oct. 2003)

## CHAPTER 7

### YARD SALES

#### SECTION

20-701. Residential properties.

20-702. Commercial properties.

20-703. Time limit for yard sales.

20-704. Items to be removed within twenty-four hours of sale.

20-705. Violations.

**20-701. Residential properties.** For residential properties, there shall be a limit of four (4) yard sales permitted per calendar year without a permit process. Residential yard sale signs located off-premises from the sale must be commercial grade signs and cannot be homemade. Only directional signs may be placed on highway 100 or highway 96, if the sale is located on one of these highways one sign may be placed in the yard made from whatever material chosen by the maker of the sign. Signs must be printed on an 18-inch X 24-inch Coroplast medium with directional arrow only (no addresses). Signs must be placed on a wire H stand. More than four (4) yard sales per year (calendar year) shall constitute a Home Based Business that shall be regulated by Article 3-105.1, Subparagraph 6, and Article 3 - 105.2 Subparagraph 6, entitled Minor and Major Home Occupations of the City of Fairview Zoning Ordinance. (as added by Ord. #689, Jan. 2008, amended by Ord. #711, June 2008, and replaced by Ord. #746, Feb. 2009)

**20-702. Commercial properties.** For commercial businesses there shall be a limit of three (3) yard sales permitted per year without a permit process. More than three (3) yard sales in a one (1) year period shall constitute a violation of this chapter and shall be subject to the violation provisions contained in this chapter. (as added by Ord. #689, Jan. 2008, and replaced by Ord. #746, Feb. 2009)

**20-703. Time limit for yard sales.** All yard sales are limited to three (3) consecutive days, sales running longer than three (3) consecutive days shall constitute a home based business that shall be regulated by, article 3-105.1, subparagraph 6, and article 3 - 105.2 subparagraph 6, entitled Minor and Major Home Occupations of the City of Fairview Zoning Ordinance. (as added by Ord. #689, Jan. 2008, and replaced by Ord. #746, Feb. 2009)

**20-704. Items to be removed within twenty-four hours of sale.** All items utilized in the yard sale shall be promptly removed from the sale site and from areas that are viewable by the public within twenty-four (24) hours of the termination of the sale. These items shall include but not be limited to any and all signs, tables, support structure utilized for the yard sale. (as added by Ord. #746, Feb. 2009)

**20-705. Violations.** Any person or entity who shall violate any of the provisions of this chapter, or who shall fail or refuses to obey any notice issued by the department of health, superintendent of the refuse collection department or the codes department with reference to the storage, accumulation, or disposal of refuse as described in § 17-101, shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate and distinct offense. (as added by Ord. #746, Feb. 2009)